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ORDINANCE NO. 3505

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC 2.35.030 VACATIONS, 2.35.040 COMPENSATING TIME AND 2.35.090 CONFLICT IN ORDER TO BETTER COORDINATE BENEFITS WITH THE ANNUAL SALARY ORDINANCE AND CHANGING JOB TITLES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the benefits of City employees, including vacation and sick leave, are established by the City Council through ECC Chapter 2.35, as well as through the provisions of the annual salary ordinance, and

WHEREAS, job titles and job responsibilities are amended and updated from time to time,

WHEREAS, the schedule set forth in ECC Chapter 2.35, particularly in Sections 2.35.030 and 2.35.040 has become obsolete due to changes in job title, and

WHEREAS, the City Council has sole authority to establish wages and benefits pursuant to the provisions of RCW Title 35A and the adoption of an annual salary ordinance, and

WHEREAS, the City Council deems it to be in the public interest to provide latitude for the Mayor to negotiate various compensation packages in order to attract experienced high-quality employees in accordance with the dictates of the market place, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 2.35.030 Vacations is hereby amended to read as follows:

2.35.030 Vacations.

A. Regular employees shall accrue the following amount of vacation leave with pay based on the length of continuous service as that term is defined in the personnel policies:

1. Non-exempt, represented employees shall receive vacation leave in accordance with the applicable collective bargaining agreement;

2. Non-exempt and exempt, non-represented employees below the level of division manager shall accrue annual vacation in accordance with the following schedule:

| Years of Employment | Days of Vacation |
|--|---------------------------|
| After the first 6 months of continuous employment. | 6 days of credit. |
| Second six month of continuous service | 5 days additional credit. |
| 2 years through 5 years | 11 days per year. |
| 6 years through 11 years | 16 days per year |
| 12 years through 19 years | 21 days per year |
| 30 years and thereafter | 22 days per year |

3. Division managers and equivalent positions, consisting of those individuals designated as such on the annual salary ordinance, shall accrue annual vacation in accordance with the following schedule:

| Years of employment | Days of Vacation |
|---|-------------------------|
| After the first 6 months of continuous employment | 8 days of credit |
| 2 nd 6 months of continuous employment | 8 days additional |
| 2 years through 5 years | 16 days per year |
| 6 years through 11 years | 21 days per year |
| 12 years and thereafter | 22 days per year |

4. The police chief, fire chief and those individuals designated on the annual salary ordinance as directors shall accrue 22 days of vacation per year. Such accrual shall be credited on a semi-monthly basis with each employee's paycheck, except as provided above. The rate of accrual shall be reflected by a credit equal to the proportionate share of vacation earned for the period.

B. Employees are encouraged to use their accumulated vacation time within the year in which it is accrued. Vacation accruals of up to one year's accumulation may be carried over from one year to the next. Employees who give notice of retirement within 24 months are authorized to accumulate two years accrual at any time prior to retirement.

C. Vacation schedules must be submitted by each department not later than March 1 of each year.

D. Any employee whose service is honorably terminated after the completion of six months of continuous service shall be paid for any vacation time accumulated prior to the effective date of termination.

Section 2. ECC 2.35.040 Compensating time is hereby amended to read as

follows:

2.35.040 Compensating time.

When work beyond regular hours is required of an employee of the City (excluding those employees designated as exempt from this benefit on the annual salary schedule) compensating time off may be allowed as City requirements permit, subject to the following requirements:

A. Nonexempt employees, on their request and at the City's option, may be permitted to take compensating time off at the overtime rate of one and one-half times the actual overtime worked in lieu of payment; provided, that such employees may not accumulate more than 40 hours of compensating time and any compensating time off must be used within the 12-month period following the date on which overtime is earned.

B. All exempt employees other than those excluded by the annual salary ordinance (see paragraph E. below) shall receive compensatory time for night meetings, emergency call outs, and other similar periods for which they are required by their supervisor to work. Compensating time shall not be earned for

short extensions of regular work hours less than one hour in length, such as staying late or coming in early. Compensatory time for such exempt employees shall be earned at the straight time rate, one hour of compensatory time earned for each hour worked. The measurement of such time shall be in accordance with the Mayor's administrative policies. Commencing January 1, 1990 such exempt employees shall be allowed to accumulate up to a maximum of 40 hours of compensatory time during any calendar year. The terms of use shall be as established by the Mayor's administrative policy. If an employee earns additional compensatory time after he or she has accumulated the maximum, then the employee must either be paid for the additional time or provided time off during the next pay period.

C. Compensating time shall be taken at the convenience of the City. All compensating time must be recorded and then approved by the employee's supervisor and/or department head.

D. Upon termination no exempt employees shall be paid for unused compensatory time unless time has been earned in excess of the 40-hour maximum. Nonexempt employees shall be paid for unused compensating time at one and one-half times the overtime worked. However, every effort should be made to use compensating time prior to termination. For the remainder of the budget year 2004, the positions excluded by prior ordinance ECC 2.35.040(A) shall not be entitled to compensating time off.

E. Employees designated as exempt from this compensating time provision shall receive a monthly salary as designated on the annual salary ordinance. Their presence or absence from the regular work schedule shall be reviewed in terms of the employee's overall performance in accordance with the Mayor's administrative policies and the City personnel rules.

Section 3. ECC 2.35.090 Conflict is hereby amended to read as follows:

2.35.090 Conflict.

A. In the event that any provision of this Chapter 2.35 ECC or any provision of this ECC Title II shall conflict with any provision of an employment contract or collective bargaining agreement approved by the City Council, such contract or agreement shall prevail. In no event shall any employee be entitled to claim greater benefits under this chapter than those provided for by a collective bargaining agreement or employee contract covering said individual's employment.

B. It is understood that in order to attract experienced personnel, the City may be required to authorize deviations from the benefits established by this Title or through the City's personnel manual. During the course of any budget year, the Mayor or his designee is authorized to extend offer letters to individuals which provide for benefits greater than those to which an entry-level employee would be entitled. The purpose of this authorization is to permit the City to attract persons with experience at comparable public agencies. When the Mayor, in his discretion, believes that it is necessary to attract such individuals to the City, benefits may be authorized which place an individual at a higher level of benefits, such as vacation accrual, than their hire date would otherwise indicate. Such employment offers shall be ratified by the City Council. In the event such ratification is not granted, the individual shall retain those benefits only for the budget year in which they are offered. The Mayor's offer shall not exceed the maximum imposed for employees of the classification or job status which has been established for such benefit without the prior written consent of the City Council. All such offers shall be limited to and within the funds budgeted for the budget year in which the offer is made.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

W. SCOTT SNYDER

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| FILED WITH THE CITY CLERK: | 06/11/2004 |
| PASSED BY THE CITY COUNCIL: | 06/15/2004 |
| PUBLISHED: | 06/20/2004 |
| EFFECTIVE DATE: | 06/25/2004 |
| ORDINANCE NO. <u>3505</u> | |

SUMMARY OF ORDINANCE NO. 3505

of the City of Edmonds, Washington

On the 15th day of June, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3505. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC 2.35.030 VACATIONS, 2.35.040 COMPENSATING TIME AND 2.35.090 CONFLICT IN ORDER TO BETTER COORDINATE BENEFITS WITH THE ANNUAL SALARY ORDINANCE AND CHANGING JOB TITLES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 16th day of June, 2004.

CITY CLERK, SANDRA S. CHASE